



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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CITY ATTORNEY RESPONDS TO SUNROAD LAWSUIT, CLAIMS IT ATTEMPTS TO SHIFT THE BLAME TO THE CITY

San Diego, CA: In response to the lawsuit filed by Sunroad Enterprises against the City of San Diego, City Attorney Michael Aguirre responded that the lawsuit was expected and was precisely the move he anticipated Sunroad would make in an attempt to shift the blame to the City. On October 27, 2006 the City issued a stop work notice in connection with the construction of a tall building near Montgomery Field that both federal and state authorities have said poses a safety hazard to pilots and the public.

“The days of big corporations pushing the City around are over,” said City Attorney Aguirre. “It’s a fact that on June 20, 2006, Sunroad wrote a letter to the Federal Aviation Administration, promising the Sunroad building would not exceed 160 feet in height. On July 26, 2006, Sunroad gave notice to the FAA that the building had reached 180 feet. On August 11, 2006, the FAA declared the building, at 180 feet, a “hazard” to air navigation at Montgomery Field. These are the only facts that are relevant. Everything else is a smoke screen.”

In addition, the City Attorney's Office will file a motion to disqualify Attorney Steven Strauss of the law firm Cooley Godward Kornish based on Mr. Strauss’ prior representation of the City in the 2004 Chargers negotiations. Aguirre asserts that as a matter of legal ethics, Mr. Strauss is barred from taking a position adverse to his former client, the City.

The City Attorney's Office has been in close contact with the FAA in Washington DC and locally, and with Caltrans. According to information received from these Federal and State regulatory agencies, the Sunroad Building at 180 feet remains a hazard and public nuisance.

Since April 2006, Sunroad has known that the Federal Aviation Administration (FAA) considered the Sunroad Centrum I building a hazard to air traffic at Montgomery Field; however, they have proceeded to complete the building.

In October 2006, the Caltrans Division of Aeronautics requested the assistance of the City Attorney's Office to compel the City to issue a Stop Work Notice to halt the construction of the Sunroad building.

On October 27, 2006, a stop work notice was issued by the City.

(MORE)

Despite all of the actions taken, Sunroad continued to complete the building at the prohibited height of 180 feet-- under the guise of "weatherizing" the building.

The Aircraft Owners & Pilots Association, Inc., and the Community Airfields Association of San Diego have also joined the City Attorney's lawsuit against Sunroad, which was filed on January 10, 2007.

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